REMARKS

With this response, claims 1 and 11 are amended. Claims 21-25 are added. Claims 2, 4-10 and 13-20 are canceled. Therefore, claims 1, 3, 11, 12 and 21-25 are pending.

REJECTIONS UNDER 35 U.S.C. § 101

Claims 1 and 3 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Office Action on page 3 asserts that the limitations of claims 1 and 3 are not tied to statutory subject matter. Applicants have amended claims 1 and 3 to recite a CPU and a memory. Therefore, Applicants assert the limitations of claims 1 and 3 are tied to statutory subject matter, and respectfully request the withdrawal of this rejection.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,351,844 of Bala (hereinafter "Bala") in view of U.S. Patent No. 5,654,015 of Bunnell (hereinafter "Bunnell"). Applicants respectfully assert that these claims are not rendered obvious by the cited references for at least the following reason: the references, alone and in combination, fail to disclose or suggest at least one feature of the invention as recited in the amended independent claims.

Claim 1 as amended recites **configuring a CPU** to notify an information collection module **via an interrupt** when one of a plurality of branches in a program is taken. Those skilled in the art know that configuring a CPU to notify a module when is branch is taken eliminates the need to instrument a separate component or additional code into said program to monitor CPU activity. Independent claim 11 recites similar features.

The Office Action on page 6 points out that Bala fails to disclose configuring a CPU to notify an information module when a branch is taken. The Office Action on page 6 cites Bunnell, specifically col. 4 lines 7-15 and col. 7 lines 14-23, as disclosing configuring a CPU to notify an information module when a branch is taken. Applicants respectfully disagree with this conclusion, and further contend that Bunnell cannot be cited to disclose or suggest configuring a CPU to notify an information collection module via an interrupt when one of a plurality of branches in a program is taken.

Col. 4 lines 9-10 of Bunnell discloses a "CPU activity monitor" that monitors "a CPU with a cache memory system." Col. 7 lines 20-25 further disclose:

> address decode logic 62 monitors the address lines of the address bus 32 to determine when the microprocessor 20 wishes to read or write data to the CPU activity monitor 24. The address **decode logic 62 in turn, generates enable signals to various registers within the CPU activity monitor 24.**

Thus, as Applicants have understood the reference, Bunnell discloses decode logic to monitor an address bus, and when the decode logic detects reads or writes, it notifies a CPU activity monitor. Applicants point out that such a system has a <u>separate</u> component (i.e., decode logic) to detect CPU activity, and such a system does <u>not</u> disclose configuring a CPU to notify an information module when a branch is taken. In contrast, the independent claims as amended recite **configuring a CPU** to notify an information collection module **via an interrupt** when one of a plurality of branches in a program is taken. Therefore, Bunnell cannot be cited to cure the defects of Bala.

Whether alone or in combination, these references fail to disclose or suggest at least one feature of the invention as recited in the independent claims. Each of claims depends from one of the independent claims discussed above. Per MPEP § 2143.03, claims that depend from nonobvious independent claims are likewise nonobvious over the references.

Claims 3 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over "Bala" in view of "Bunnell" as applied to claim 1 above, and further in view of U.S. Patent No. 4,914,659 of Erickson (hereinafter "Erickson"). Erickson is not cited to cure the deficiencies of Bala and Bunnell, and indeed fails to cure the deficiencies of Bala and Bunnell as Erickson contains no disclosures directed towards configuring a CPU to notify an information module when a branch is taken. Whether alone or in combination, these references fail to disclose or suggest at least one feature of the invention as recited in the independent claims. Each of claims 3 and 12 depends from one of the independent claims discussed above. Per MPEP § 2143.03, claims that depend from nonobvious independent claims are likewise nonobvious over the references.

Dependent claims previously presented and now cancelled were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bala in view of Bunnell further in view of " in view of U.S. Patent Publication No. 2002/0010879 of Chen, Ding-Kai (hereinafter "Chen") and U.S. Patent

Publication No. 2002/0095661 of Angel et al (hereinafter "Angel"). Neither Chen nor Angel was cited by the Office Action to cure the deficiencies of Bala and Bunnell, and indeed both references fail to cure the deficiencies of Bala and Bunnell as neither reference contains disclosures directed towards configuring a CPU to notify an information module when a branch is taken. Whether alone or in combination, these references fail to disclose or suggest at least one feature of the invention as recited in the independent claims. Thus, Applicants contend claims 1, 3, 11 and 12 are nonobvious over the prior art of record.

NEW CLAIMS

Each of new claims 21 and 22 depends from one of the independent claims discussed above. Applicants respectfully contend that, per MPEP § 2143.03, claims that depend from nonobvious independent claims are likewise nonobvious over the references.

New independent claim 23 recites similar limitations as independent claims 1 and 11. Applicants contend that claim 23 and dependent claims 24-25 are not disclosed by the prior art of record or at least the reasons stated above.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

June 15, 2009
Date

/Eric Hiponia/

Eric Hiponia
Reg. No. 62,002
Attorney for Applicants

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(503) 439-8778

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: June 15, 2009

/Vivian Lee/
Vivian Lee